



General Assembly

January Session, 2021

***Raised Bill No. 1027***

LCO No. 4586



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING ACCESSORY DWELLING UNITS AND ZONING REGULATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-1aa of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 As used in section 8-2, as amended by this act, and section 3 of this  
4 act:

5 (1) "Traprock ridge" means Beacon Hill, Saltonstall Mountain,  
6 Totoket Mountain, Pistapaug Mountain, Fowler Mountain, Beseck  
7 Mountain, Higby Mountain, Chauncey Peak, Lamentation Mountain,  
8 Cathole Mountain, South Mountain, East Peak, West Peak, Short  
9 Mountain, Ragged Mountain, Bradley Mountain, Pinnacle Rock,  
10 Rattlesnake Mountain, Talcott Mountain, Hatchett Hill, Peak Mountain,  
11 West Suffield Mountain, Cedar Mountain, East Rock, Mount Sanford,  
12 Prospect Ridge, Peck Mountain, West Rock, Sleeping Giant, Pond Ledge  
13 Hill, Onion Mountain, The Sugarloaf, The Hedgehog, West Mountains,  
14 The Knolls, Barndoor Hills, Stony Hill, Manitook Mountain, Rattlesnake  
15 Hill, Durkee Hill, East Hill, Rag Land, Bear Hill, Orenaug Hills;

16 (2) "Amphibolite ridge" means Huckleberry Hill, East Hill, Ratlum  
17 Hill, Mount Hoar, Sweetheart Mountain;

18 (3) "Ridgeline" means the line on a traprock or amphibolite ridge  
19 created by all points at the top of a fifty per cent slope, which is  
20 maintained for a distance of fifty horizontal feet perpendicular to the  
21 slope and which consists of surficial basalt geology, identified on the  
22 map prepared by Stone et al., United States Geological Survey, entitled  
23 "Surficial Materials Map of Connecticut";

24 (4) "Ridgeline setback area" means the area bounded by (A) a line that  
25 parallels the ridgeline at a distance of one hundred fifty feet on the more  
26 wooded side of the ridge, and (B) the contour line where a ridge of less  
27 than fifty per cent is maintained for fifty feet or more on the rockier side  
28 of the slope, mapped pursuant to section 8-2, as amended by this act;

29 (5) "Development" means the construction, reconstruction, alteration,  
30 or expansion of a building; [and]

31 (6) "Building" means any structure other than (A) a facility as defined  
32 in section 16-50i or (B) structures of a relatively slender nature compared  
33 to the buildings to which they are associated, including but not limited  
34 to chimneys, flagpoles, antennas, utility poles and steeples; [.]

35 (7) "Accessory dwelling unit" means an independent residential  
36 dwelling unit that (A) is located within or attached to a single-family  
37 dwelling, (B) provides or is intended to provide living space for one or  
38 more occupants, (C) includes facilities or provisions for sleeping, food  
39 preparation, including, but not limited to, a sink and oven and  
40 sanitation, and (D) complies with the building code and health and  
41 safety regulations; and

42 (8) "Principal dwelling unit" means that portion of a single-family  
43 dwelling that is not an accessory dwelling unit.

44 Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed  
45 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

46 (a) The zoning commission of each city, town or borough is  
47 authorized to regulate, within the limits of such municipality, the  
48 height, number of stories and size of buildings and other structures; the  
49 percentage of the area of the lot that may be occupied; the size of yards,  
50 courts and other open spaces; the density of population and the location  
51 and use of buildings, structures and land for trade, industry, residence  
52 or other purposes, including water-dependent uses, as defined in  
53 section 22a-93, and the height, size, location, brightness and  
54 illumination of advertising signs and billboards. Such bulk regulations  
55 may allow for cluster development, as defined in section 8-18. Such  
56 zoning commission may divide the municipality into districts of such  
57 number, shape and area as may be best suited to carry out the purposes  
58 of this chapter; and, within such districts, it may regulate the erection,  
59 construction, reconstruction, alteration or use of buildings or structures  
60 and the use of land. All such regulations shall be uniform for each class  
61 or kind of buildings, structures or use of land throughout each district,  
62 but the regulations in one district may differ from those in another  
63 district, and may provide that certain classes or kinds of buildings,  
64 structures or uses of land are permitted only after obtaining a special  
65 permit or special exception from a zoning commission, planning  
66 commission, combined planning and zoning commission or zoning  
67 board of appeals, whichever commission or board the regulations may,  
68 notwithstanding any special act to the contrary, designate, subject to  
69 standards set forth in the regulations and to conditions necessary to  
70 protect the public health, safety, convenience and property values. Such  
71 regulations shall be made in accordance with a comprehensive plan and  
72 in adopting such regulations the commission shall consider the plan of  
73 conservation and development prepared under section 8-23. Such  
74 regulations shall be designed to lessen congestion in the streets; to  
75 secure safety from fire, panic, flood and other dangers; to promote  
76 health and the general welfare; to provide adequate light and air; to  
77 prevent the overcrowding of land; to avoid undue concentration of  
78 population and to facilitate the adequate provision for transportation,  
79 water, sewerage, schools, parks and other public requirements. Such  
80 regulations shall be made with reasonable consideration as to the

81 character of the district and its peculiar suitability for particular uses  
82 and with a view to conserving the value of buildings and encouraging  
83 the most appropriate use of land throughout such municipality. Such  
84 regulations may, to the extent consistent with soil types, terrain,  
85 infrastructure capacity and the plan of conservation and development  
86 for the community, provide for cluster development, as defined in  
87 section 8-18, in residential zones. Such regulations shall also encourage  
88 the development of housing opportunities for all residents of the  
89 municipality and the planning region in which the municipality is  
90 located, as designated by the Secretary of the Office of Policy and  
91 Management under section 16a-4a, including (1) opportunities for  
92 multifamily dwellings, consistent with soil types, terrain and  
93 infrastructure capacity, [for all residents of the municipality and the  
94 planning region in which the municipality is located, as designated by  
95 the Secretary of the Office of Policy and Management under section 16a-  
96 4a] and (2) accessory dwelling units, which shall be permitted as of right  
97 in accordance with section 3 of this act. Such regulations shall also  
98 promote housing choice and economic diversity in housing, including  
99 housing for both low and moderate income households, and shall  
100 encourage the development of housing which will meet the housing  
101 needs identified in the state's consolidated plan for housing and  
102 community development prepared pursuant to section 8-37t and in the  
103 housing component and the other components of the state plan of  
104 conservation and development prepared pursuant to section 16a-26.  
105 Zoning regulations shall be made with reasonable consideration for  
106 their impact on agriculture, as defined in subsection (q) of section 1-1.  
107 Zoning regulations may be made with reasonable consideration for the  
108 protection of historic factors and shall be made with reasonable  
109 consideration for the protection of existing and potential public surface  
110 and ground drinking water supplies. On and after July 1, 1985, the  
111 regulations shall provide that proper provision be made for soil erosion  
112 and sediment control pursuant to section 22a-329. Such regulations may  
113 also encourage energy-efficient patterns of development, the use of  
114 solar and other renewable forms of energy, and energy conservation.  
115 The regulations may also provide for incentives for developers who use

116 passive solar energy techniques, as defined in subsection (b) of section  
117 8-25, in planning a residential subdivision development. The incentives  
118 may include, but not be limited to, cluster development, higher density  
119 development and performance standards for roads, sidewalks and  
120 underground facilities in the subdivision. Such regulations may provide  
121 for a municipal system for the creation of development rights and the  
122 permanent transfer of such development rights, which may include a  
123 system for the variance of density limits in connection with any such  
124 transfer. Such regulations may also provide for notice requirements in  
125 addition to those required by this chapter. Such regulations may  
126 provide for conditions on operations to collect spring water or well  
127 water, as defined in section 21a-150, including the time, place and  
128 manner of such operations. No such regulations shall prohibit the  
129 operation of any family child care home or group child care home in a  
130 residential zone. No such regulations shall prohibit the use of  
131 receptacles for the storage of items designated for recycling in  
132 accordance with section 22a-241b or require that such receptacles  
133 comply with provisions for bulk or lot area, or similar provisions, except  
134 provisions for side yards, rear yards and front yards. No such  
135 regulations shall unreasonably restrict access to or the size of such  
136 receptacles for businesses, given the nature of the business and the  
137 volume of items designated for recycling in accordance with section 22a-  
138 241b, that such business produces in its normal course of business,  
139 provided nothing in this section shall be construed to prohibit such  
140 regulations from requiring the screening or buffering of such receptacles  
141 for aesthetic reasons. Such regulations shall not impose conditions and  
142 requirements on manufactured homes having as their narrowest  
143 dimension twenty-two feet or more and built in accordance with federal  
144 manufactured home construction and safety standards or on lots  
145 containing such manufactured homes which are substantially different  
146 from conditions and requirements imposed on single-family dwellings  
147 and lots containing single-family dwellings. Such regulations shall not  
148 impose conditions and requirements on developments to be occupied  
149 by manufactured homes having as their narrowest dimension twenty-  
150 two feet or more and built in accordance with federal manufactured

151 home construction and safety standards which are substantially  
152 different from conditions and requirements imposed on multifamily  
153 dwellings, lots containing multifamily dwellings, cluster developments  
154 or planned unit developments. Such regulations shall not prohibit the  
155 continuance of any nonconforming use, building or structure existing at  
156 the time of the adoption of such regulations or require a special permit  
157 or special exception for any such continuance. Such regulations shall not  
158 provide for the termination of any nonconforming use solely as a result  
159 of nonuse for a specified period of time without regard to the intent of  
160 the property owner to maintain that use. Such regulations shall not  
161 terminate or deem abandoned a nonconforming use, building or  
162 structure unless the property owner of such use, building or structure  
163 voluntarily discontinues such use, building or structure and such  
164 discontinuance is accompanied by an intent to not reestablish such use,  
165 building or structure. The demolition or deconstruction of a  
166 nonconforming use, building or structure shall not by itself be evidence  
167 of such property owner's intent to not reestablish such use, building or  
168 structure. Unless such town opts out, in accordance with the provisions  
169 of subsection (j) of section 8-1bb, such regulations shall not prohibit the  
170 installation of temporary health care structures for use by mentally or  
171 physically impaired persons in accordance with the provisions of  
172 section 8-1bb if such structures comply with the provisions of said  
173 section. Any city, town or borough which adopts the provisions of this  
174 chapter may, by vote of its legislative body, exempt municipal property  
175 from the regulations prescribed by the zoning commission of such city,  
176 town or borough; but unless it is so voted municipal property shall be  
177 subject to such regulations.

178       Sec. 3. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulation  
179 adopted pursuant to section 8-2 of the general statutes, as amended by  
180 this act, concerning accessory dwelling units, as defined in section 8-1aa  
181 of the general statutes, as amended by this act:

182       (1) Shall (A) permit one accessory dwelling unit, as defined in section  
183 8-1aa of the general statutes, as amended by this act, as of right, per lot  
184 containing a single-family dwelling, without imposing additional

185 requirements for lot size, lot coverage or frontage or space restrictions  
186 beyond those imposed on lots containing only a single-family dwelling,  
187 (B) require an interior door between the principal dwelling unit and  
188 accessory dwelling unit, but shall not require that such door remain  
189 locked, (C) consider a principal dwelling unit and accessory dwelling  
190 unit one unit for the purpose of applying maximum bedroom  
191 occupancy standards for single-family dwellings, (D) require adequate  
192 parking space for occupants of an accessory dwelling unit, and (E)  
193 require an applicant for a permit to construct an accessory dwelling unit  
194 to make adequate provisions for water supply and sewer disposal, but  
195 shall not require separate water and sewer systems for a principal  
196 dwelling unit and accessory dwelling unit;

197 (2) May (A) require the owner of a single-family dwelling to  
198 demonstrate that either the principal dwelling unit or accessory  
199 dwelling unit is such owner's principal place of residence, provided  
200 such regulations shall not specify which unit the owner is required to  
201 occupy, (B) establish standards for the purpose of maintaining aesthetic  
202 continuity between a principal dwelling unit and an accessory dwelling  
203 unit, (C) establish minimum and maximum square footage for an  
204 accessory dwelling unit, provided such maximum shall not be less than  
205 seven hundred fifty square feet, and (D) prohibit accessory dwelling  
206 units that are subordinate to single-family dwellings that are attached  
207 to one another, including, but not limited to, condominiums, planned  
208 unit developments and townhouses; and

209 (3) Shall not (A) require a familial relationship between occupants of  
210 a principal dwelling unit and accessory dwelling unit, (B) limit the  
211 number of bedrooms in an accessory dwelling unit to one, or (C) permit  
212 the separate conveyance of an accessory dwelling unit apart from the  
213 conveyance of a principal dwelling unit unless such conveyance is  
214 authorized by municipal ordinance.

215 (b) Any accessory dwelling unit that meets the occupancy criteria  
216 described in subdivision (6) of subsection (l) of section 8-30g of the  
217 general statutes, as amended by this act, for rental units shall qualify for

218 housing unit-equivalent points for the purposes of satisfying a  
219 municipality's obligations pursuant to subsection (l) of section 8-30g of  
220 the general statutes, as amended by this act.

221 Sec. 4. Subsection (b) of section 8-3 of the general statutes is repealed  
222 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

223 (b) Such regulations and boundaries shall be established, changed or  
224 repealed only by a majority vote of all the members of the zoning  
225 commission, except as otherwise provided in this chapter. In making its  
226 decision the commission shall take into consideration the plan of  
227 conservation and development, prepared pursuant to section 8-23, and  
228 shall state on the record its findings on consistency of the proposed  
229 establishment, change or repeal of such regulations and boundaries  
230 with such plan. If a protest against a proposed change is filed at or before  
231 a hearing with the zoning commission, signed by the owners of twenty  
232 per cent or more of the area of the lots included in such proposed change  
233 or of the lots within five hundred feet in all directions of the property  
234 included in the proposed change, such change shall not be adopted  
235 except by a majority vote [of two-thirds] of all the members of the  
236 commission.

237 Sec. 5. Subsection (l) of section 8-30g of the general statutes is repealed  
238 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

239 (l) (1) Except as provided in subdivision (2) of this subsection, the  
240 affordable housing appeals procedure established under this section  
241 shall not be applicable to an affordable housing application filed with a  
242 commission during a moratorium, which shall commence after (A) a  
243 certification of affordable housing project completion issued by the  
244 commissioner is published in the Connecticut Law Journal, or (B) notice  
245 of a provisional approval is published pursuant to subdivision (4) of this  
246 subsection. Any such moratorium shall be for a period of four years,  
247 except that for any municipality that has (i) twenty thousand or more  
248 dwelling units, as reported in the most recent United States decennial  
249 census, and (ii) previously qualified for a moratorium in accordance

250 with this section, any subsequent moratorium shall be for a period of  
251 five years. Any moratorium that is in effect on October 1, 2002, is  
252 extended by one year.

253 (2) Such moratorium shall not apply to (A) affordable housing  
254 applications for assisted housing in which ninety-five per cent of the  
255 dwelling units are restricted to persons and families whose income is  
256 less than or equal to sixty per cent of the median income, (B) other  
257 affordable housing applications for assisted housing containing forty or  
258 fewer dwelling units, or (C) affordable housing applications which were  
259 filed with a commission pursuant to this section prior to the date upon  
260 which the moratorium takes effect.

261 (3) Eligible units completed after a moratorium has begun may be  
262 counted toward establishing eligibility for a subsequent moratorium.

263 (4) (A) The commissioner shall issue a certificate of affordable  
264 housing project completion for the purposes of this subsection upon  
265 finding that there has been completed within the municipality one or  
266 more affordable housing developments which create housing unit-  
267 equivalent points equal to (i) the greater of two per cent of all dwelling  
268 units in the municipality, as reported in the most recent United States  
269 decennial census, or fifty housing unit-equivalent points, or (ii) for any  
270 municipality that has (I) adopted an affordable housing plan in  
271 accordance with section 8-30j, (II) twenty thousand or more dwelling  
272 units, as reported in the most recent United States decennial census, and  
273 (III) previously qualified for a moratorium in accordance with this  
274 section, one and one-half per cent of all dwelling units in the  
275 municipality, as reported in the most recent United States decennial  
276 census.

277 (B) A municipality may apply for a certificate of affordable housing  
278 project completion pursuant to this subsection by applying in writing to  
279 the commissioner, and including documentation showing that the  
280 municipality has accumulated the required number of points within the  
281 applicable time period. Such documentation shall include the location

282 of each dwelling unit being counted, the number of points each dwelling  
283 unit has been assigned, and the reason, pursuant to this subsection, for  
284 assigning such points to such dwelling unit. Upon receipt of such  
285 application, the commissioner shall promptly cause a notice of the filing  
286 of the application to be published in the Connecticut Law Journal,  
287 stating that public comment on such application shall be accepted by the  
288 commissioner for a period of thirty days after the publication of such  
289 notice. Not later than ninety days after the receipt of such application,  
290 the commissioner shall either approve or reject such application. Such  
291 approval or rejection shall be accompanied by a written statement of the  
292 reasons for approval or rejection, pursuant to the provisions of this  
293 subsection. If the application is approved, the commissioner shall  
294 promptly cause a certificate of affordable housing project completion to  
295 be published in the Connecticut Law Journal. If the commissioner fails  
296 to either approve or reject the application within such ninety-day  
297 period, such application shall be deemed provisionally approved, and  
298 the municipality may cause notice of such provisional approval to be  
299 published in a conspicuous manner in a daily newspaper having general  
300 circulation in the municipality, in which case, such moratorium shall  
301 take effect upon such publication. The municipality shall send a copy of  
302 such notice to the commissioner. Such provisional approval shall  
303 remain in effect unless the commissioner subsequently acts upon and  
304 rejects the application, in which case the moratorium shall terminate  
305 upon notice to the municipality by the commissioner.

306 (5) For the purposes of this subsection, "accessory dwelling unit" has  
307 the same meaning as provided in section 8-1aa, as amended by this act,  
308 "elderly units" are dwelling units whose occupancy is restricted by age,  
309 "family units" are dwelling units whose occupancy is not restricted by  
310 age, and "resident-owned mobile manufactured home park" has the  
311 same meaning as provided in subsection (k) of this section.

312 (6) For the purposes of this subsection, housing unit-equivalent  
313 points shall be determined by the commissioner as follows: (A) No  
314 points shall be awarded for a unit unless its occupancy is restricted to  
315 persons and families whose income is equal to or less than eighty per

316 cent of the median income, except that unrestricted units in a set-aside  
317 development shall be awarded one-fourth point each. (B) Family units  
318 and accessory dwelling units restricted to persons and families whose  
319 income is equal to or less than eighty per cent of the median income shall  
320 be awarded one point if an ownership unit and one and one-half points  
321 if a rental unit. (C) Family units and accessory dwelling units restricted  
322 to persons and families whose income is equal to or less than sixty per  
323 cent of the median income shall be awarded one and one-half points if  
324 an ownership unit and two points if a rental unit. (D) Family units and  
325 accessory dwelling units restricted to persons and families whose  
326 income is equal to or less than forty per cent of the median income shall  
327 be awarded two points if an ownership unit and two and one-half points  
328 if a rental unit. (E) Restricted family units containing at least three  
329 bedrooms shall be awarded an additional one-fourth point. (F) Elderly  
330 units restricted to persons and families whose income is equal to or less  
331 than eighty per cent of the median income shall be awarded one-half  
332 point. (G) If at least sixty per cent of the total restricted units submitted  
333 by a municipality as part of an application for a certificate of affordable  
334 housing project completion are family units, any elderly units submitted  
335 within such application shall be awarded an additional one-half point.  
336 (H) Restricted family units located within an approved incentive  
337 housing development, as defined in section 8-13m, shall be awarded an  
338 additional one-fourth point. (I) A set-aside development containing  
339 family units which are rental units shall be awarded additional points  
340 equal to twenty-two per cent of the total points awarded to such  
341 development, provided the application for such development was filed  
342 with the commission prior to July 6, 1995. (J) A mobile manufactured  
343 home in a resident-owned mobile manufactured home park shall be  
344 awarded points as follows: One and one-half points when occupied by  
345 persons and families with an income equal to or less than eighty per cent  
346 of the median income; two points when occupied by persons and  
347 families with an income equal to or less than sixty per cent of the median  
348 income; and one-fourth point for the remaining units.

349 (7) Points shall be awarded only for dwelling units which (A) were

350 newly-constructed units in an affordable housing development, as that  
351 term was defined at the time of the affordable housing application, for  
352 which a certificate of occupancy was issued after July 1, 1990, (B) were  
353 newly subjected after July 1, 1990, to deeds containing covenants or  
354 restrictions which require that, for at least the duration required by  
355 subsection (a) of this section for set-aside developments on the date  
356 when such covenants or restrictions took effect, such dwelling units  
357 shall be sold or rented at, or below, prices which will preserve the units  
358 as affordable housing for persons or families whose income does not  
359 exceed eighty per cent of the median income, (C) are located within an  
360 approved incentive housing development, as defined in section 8-13m,  
361 or (D) are located in a resident-owned mobile manufactured home park.

362 (8) Points shall be subtracted, applying the formula in subdivision (6)  
363 of this subsection, for any affordable dwelling unit which, on or after  
364 July 1, 1990, was affected by any action taken by a municipality which  
365 caused such dwelling unit to cease being counted as an affordable  
366 dwelling unit.

367 (9) A newly-constructed unit shall be counted toward a moratorium  
368 when it receives a certificate of occupancy. A newly-restricted unit shall  
369 be counted toward a moratorium when its deed restriction takes effect.

370 (10) The affordable housing appeals procedure shall be applicable to  
371 affordable housing applications filed with a commission after a three-  
372 year moratorium expires, except (A) as otherwise provided in  
373 subsection (k) of this section, or (B) when sufficient unit-equivalent  
374 points have been created within the municipality during one  
375 moratorium to qualify for a subsequent moratorium.

376 (11) The commissioner shall, within available appropriations, adopt  
377 regulations in accordance with chapter 54 to carry out the purposes of  
378 this subsection. Such regulations shall specify the procedure to be  
379 followed by a municipality to obtain a moratorium, and shall include  
380 the manner in which a municipality is to document the units to be  
381 counted toward a moratorium. A municipality may apply for a

382 moratorium in accordance with the provisions of this subsection prior  
383 to, as well as after, such regulations are adopted.

384 Sec. 6. Subsection (l) of section 8-30g of the general statutes, as  
385 amended by section 4 of public act 17-170, is repealed and the following  
386 is substituted in lieu thereof (*Effective October 1, 2022*):

387 (l) (1) Except as provided in subdivision (2) of this subsection, the  
388 affordable housing appeals procedure established under this section  
389 shall not be applicable to an affordable housing application filed with a  
390 commission during a moratorium, which shall commence after (A) a  
391 certification of affordable housing project completion issued by the  
392 commissioner is published in the Connecticut Law Journal, or (B) notice  
393 of a provisional approval is published pursuant to subdivision (4) of this  
394 subsection. Any such moratorium shall be for a period of four years,  
395 except that for any municipality that has (i) twenty thousand or more  
396 dwelling units, as reported in the most recent United States decennial  
397 census, and (ii) previously qualified for a moratorium in accordance  
398 with this section, any subsequent moratorium shall be for a period of  
399 five years. Any moratorium that is in effect on October 1, 2002, is  
400 extended by one year.

401 (2) Such moratorium shall not apply to (A) affordable housing  
402 applications for assisted housing in which ninety-five per cent of the  
403 dwelling units are restricted to persons and families whose income is  
404 less than or equal to sixty per cent of the median income, (B) other  
405 affordable housing applications for assisted housing containing forty or  
406 fewer dwelling units, or (C) affordable housing applications which were  
407 filed with a commission pursuant to this section prior to the date upon  
408 which the moratorium takes effect.

409 (3) Eligible units completed after a moratorium has begun may be  
410 counted toward establishing eligibility for a subsequent moratorium.

411 (4) (A) The commissioner shall issue a certificate of affordable  
412 housing project completion for the purposes of this subsection upon  
413 finding that there has been completed within the municipality one or

414 more affordable housing developments which create housing unit-  
415 equivalent points equal to (i) the greater of two per cent of all dwelling  
416 units in the municipality, as reported in the most recent United States  
417 decennial census, or seventy-five housing unit-equivalent points, or (ii)  
418 for any municipality that has (I) adopted an affordable housing plan in  
419 accordance with section 8-30j, (II) twenty thousand or more dwelling  
420 units, as reported in the most recent United States decennial census, and  
421 (III) previously qualified for a moratorium in accordance with this  
422 section, one and one-half per cent of all dwelling units in the  
423 municipality, as reported in the most recent United States decennial  
424 census.

425 (B) A municipality may apply for a certificate of affordable housing  
426 project completion pursuant to this subsection by applying in writing to  
427 the commissioner, and including documentation showing that the  
428 municipality has accumulated the required number of points within the  
429 applicable time period. Such documentation shall include the location  
430 of each dwelling unit being counted, the number of points each dwelling  
431 unit has been assigned, and the reason, pursuant to this subsection, for  
432 assigning such points to such dwelling unit. Upon receipt of such  
433 application, the commissioner shall promptly cause a notice of the filing  
434 of the application to be published in the Connecticut Law Journal,  
435 stating that public comment on such application shall be accepted by the  
436 commissioner for a period of thirty days after the publication of such  
437 notice. Not later than ninety days after the receipt of such application,  
438 the commissioner shall either approve or reject such application. Such  
439 approval or rejection shall be accompanied by a written statement of the  
440 reasons for approval or rejection, pursuant to the provisions of this  
441 subsection. If the application is approved, the commissioner shall  
442 promptly cause a certificate of affordable housing project completion to  
443 be published in the Connecticut Law Journal. If the commissioner fails  
444 to either approve or reject the application within such ninety-day  
445 period, such application shall be deemed provisionally approved, and  
446 the municipality may cause notice of such provisional approval to be  
447 published in a conspicuous manner in a daily newspaper having general

448 circulation in the municipality, in which case, such moratorium shall  
449 take effect upon such publication. The municipality shall send a copy of  
450 such notice to the commissioner. Such provisional approval shall  
451 remain in effect unless the commissioner subsequently acts upon and  
452 rejects the application, in which case the moratorium shall terminate  
453 upon notice to the municipality by the commissioner.

454 (5) For the purposes of this subsection, "accessory dwelling unit" has  
455 the same meaning as provided in section 8-1aa, as amended by this act,  
456 "elderly units" are dwelling units whose occupancy is restricted by age,  
457 "family units" are dwelling units whose occupancy is not restricted by  
458 age, and "resident-owned mobile manufactured home park" has the  
459 same meaning as provided in subsection (k) of this section.

460 (6) For the purposes of this subsection, housing unit-equivalent  
461 points shall be determined by the commissioner as follows: (A) No  
462 points shall be awarded for a unit unless its occupancy is restricted to  
463 persons and families whose income is equal to or less than eighty per  
464 cent of the median income, except that unrestricted units in a set-aside  
465 development shall be awarded one-fourth point each. (B) Family units  
466 and accessory dwelling units restricted to persons and families whose  
467 income is equal to or less than eighty per cent of the median income shall  
468 be awarded one point if an ownership unit and one and one-half points  
469 if a rental unit. (C) Family units and accessory dwelling units restricted  
470 to persons and families whose income is equal to or less than sixty per  
471 cent of the median income shall be awarded one and one-half points if  
472 an ownership unit and two points if a rental unit. (D) Family units and  
473 accessory dwelling units restricted to persons and families whose  
474 income is equal to or less than forty per cent of the median income shall  
475 be awarded two points if an ownership unit and two and one-half points  
476 if a rental unit. (E) Elderly units restricted to persons and families whose  
477 income is equal to or less than eighty per cent of the median income shall  
478 be awarded one-half point. (F) A set-aside development containing  
479 family units which are rental units shall be awarded additional points  
480 equal to twenty-two per cent of the total points awarded to such  
481 development, provided the application for such development was filed

482 with the commission prior to July 6, 1995. (G) A mobile manufactured  
483 home in a resident-owned mobile manufactured home park shall be  
484 awarded points as follows: One and one-half points when occupied by  
485 persons and families with an income equal to or less than eighty per cent  
486 of the median income; two points when occupied by persons and  
487 families with an income equal to or less than sixty per cent of the median  
488 income; and one-fourth point for the remaining units.

489 (7) Points shall be awarded only for dwelling units which (A) were  
490 newly-constructed units in an affordable housing development, as that  
491 term was defined at the time of the affordable housing application, for  
492 which a certificate of occupancy was issued after July 1, 1990, (B) were  
493 newly subjected after July 1, 1990, to deeds containing covenants or  
494 restrictions which require that, for at least the duration required by  
495 subsection (a) of this section for set-aside developments on the date  
496 when such covenants or restrictions took effect, such dwelling units  
497 shall be sold or rented at, or below, prices which will preserve the units  
498 as affordable housing for persons or families whose income does not  
499 exceed eighty per cent of the median income, or (C) are located in a  
500 resident-owned mobile manufactured home park.

501 (8) Points shall be subtracted, applying the formula in subdivision (6)  
502 of this subsection, for any affordable dwelling unit which, on or after  
503 July 1, 1990, was affected by any action taken by a municipality which  
504 caused such dwelling unit to cease being counted as an affordable  
505 dwelling unit.

506 (9) A newly-constructed unit shall be counted toward a moratorium  
507 when it receives a certificate of occupancy. A newly-restricted unit shall  
508 be counted toward a moratorium when its deed restriction takes effect.

509 (10) The affordable housing appeals procedure shall be applicable to  
510 affordable housing applications filed with a commission after a three-  
511 year moratorium expires, except (A) as otherwise provided in  
512 subsection (k) of this section, or (B) when sufficient unit-equivalent  
513 points have been created within the municipality during one

514 moratorium to qualify for a subsequent moratorium.

515 (11) The commissioner shall, within available appropriations, adopt  
516 regulations in accordance with chapter 54 to carry out the purposes of  
517 this subsection. Such regulations shall specify the procedure to be  
518 followed by a municipality to obtain a moratorium, and shall include  
519 the manner in which a municipality is to document the units to be  
520 counted toward a moratorium. A municipality may apply for a  
521 moratorium in accordance with the provisions of this subsection prior  
522 to, as well as after, such regulations are adopted.

523 Sec. 7. Subsection (a) of section 12-53a of the general statutes is  
524 repealed and the following is substituted in lieu thereof (*Effective October*  
525 *1, 2021*):

526 (a) (1) Completed new construction of real estate completed after any  
527 assessment date shall be liable for the payment of municipal taxes based  
528 on the assessed value of such completed new construction from the date  
529 the certificate of occupancy is issued or the date on which such new  
530 construction is first used for the purpose for which same was  
531 constructed, whichever is the earlier, prorated for the assessment year  
532 in which the new construction is completed. Said prorated tax shall be  
533 computed on the basis of the rate of tax applicable with respect to such  
534 property, including the applicable rate of tax in any tax district in which  
535 such property is subject to tax following completion of such new  
536 construction, on the date such property becomes liable for such prorated  
537 tax in accordance with this section.

538 (2) [Partially] Except as provided in subdivision (3) of this subsection,  
539 partially completed new construction of real estate shall be liable for the  
540 payment of municipal taxes based on the assessed value of such  
541 partially completed new construction as of October first of the  
542 assessment year.

543 (3) Notwithstanding any provision of the general statutes or special  
544 act, municipal charter or ordinance, land, including, but not limited to,  
545 individual parcels of land, lots in an approved subdivision or land that

546 is the subject of an approved site plan, on which a one, two, three or four  
547 family residential dwelling is planned for construction, is under  
548 construction or has been constructed, shall be assessed exclusive of the  
549 value of such dwelling prior to the date (A) a certificate of occupancy is  
550 issued for such dwelling, (B) on which such dwelling is first used for the  
551 purpose for which it was constructed, or (C) on which title to such  
552 dwelling is conveyed to a buyer who intends to use such dwelling for  
553 the purpose for which it was constructed, whichever is earlier.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1aa
Sec. 2	<i>October 1, 2021</i>	8-2(a)
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	8-3(b)
Sec. 5	<i>October 1, 2021</i>	8-30g(l)
Sec. 6	<i>October 1, 2022</i>	8-30g(l)
Sec. 7	<i>October 1, 2021</i>	12-53a(a)

**Statement of Purpose:**

To require (1) municipalities to permit accessory dwelling units, and (2) a majority vote of the members of a zoning commission to adopt a protested zoning regulation or zoning district boundary change.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*